

Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

Pending consideration of said resolution,

§55.9 POINT OF ORDER

Mr. NADLER made a point of order, pursuant to section 426 of the Congressional Budget and Impoundment Control Act of 1974, as amended by the Unfunded Mandates Reform Act of 1995, and said:

"Mr. Speaker, I make a point of order against consideration of House Resolution 462. Section 425 of that same Act, added by the Unfunded Mandates Reform Act of 1995, states that a point of order lies against legislation which (1) imposes an unfunded mandate in excess of \$50 million annually against state or local governments, and (2) does not publish prior to floor consideration, a Congressional Budget Office estimate of any unfunded mandates in excess of \$50 million annually for state and local entities or in excess of \$100 million annually for the private sector. Section 426 of the Budget Act specifically states that the Rules Committee may not waive this point of order. On page 2, lines 13 through 15 of House Resolution 462, all points of order are waived against the committee amendment in the nature of a substitute. Therefore, I make a point of order that this rules may not be considered pursuant to section 426, as added by the Unfunded Mandates Reform Act of 1995."

The SPEAKER pro tempore, Mr. DUNCAN, responded to the point of order, and said:

"The gentleman from New York makes a point of order against the resolution under section 425(a) of the Congressional Budget Act of 1974. In accordance with section 426(b)(2) of the Act, the gentleman from New York (Mr. NADLER) has met the threshold

burden to identify specific waiver language in the resolution for the point of order.

"Under section 426(b)(2) of the Act, the gentleman from New York, Mr. NADLER and a Member opposed each will control 10 minutes of debate on the question of consideration. Pursuant to section 426(b)(3) of the Act, after debate the Chair will put the question of consideration, to wit: Will the House now consider the resolution?"

After debate,
The question being put, viva voce,
Will the House now consider the resolution?

The Speaker pro tempore, Mr. DUNCAN, announced that the nays had it.

§55.10 POINT OF ORDER

Mr. MCINNIS rose and said:
"Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to—"

The SPEAKER pro tempore, Mr. DUNCAN, spoke and said:

"Does the gentleman from Colorado, Mr. MCINNIS, recognize that the noes prevailed on the pending vote?"

Mr. MCINNIS was recognized to speak and said:

"Mr. Speaker, I am a little confused as to the order."

Mr. NADLER spoke and said:
"Mr. Speaker, we continued. The vote is over."

Mr. MCINNIS spoke and said:
"I have the Floor, Mr. Speaker, and I make a point of order to that point."

The SPEAKER pro tempore, Mr. DUNCAN, spoke and said:

"The gentleman from Colorado, Mr. MCINNIS has the floor.

"Does the gentleman from Colorado object to the vote?"

Mr. MCINNIS spoke and said:
"Yes, I do, Mr. Speaker."

The SPEAKER pro tempore, Mr. DUNCAN, announced:

"The gentleman from Colorado, Mr. MCINNIS, objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present.

"A quorum is not present. Under the rule, the yeas and nays are ordered. Those in favor will vote aye—"

Mr. NADLER spoke and said:
"Mr. Speaker, business intervened. Speech intervened. He did not ask for the vote or object to the quorum until the Chair asked about it. I object to this. He has gone on, all right."

The SPEAKER pro tempore, Mr. DUNCAN, said:

"The gentleman from Colorado, Mr. MCINNIS, objected to the vote. The gentleman from Colorado, Mr. MCINNIS, objected to the vote."

Mr. NADLER spoke and said:
"Mr. Speaker, business intervened. Before he objected to the vote, he started saying he asked 30 minutes for speaking time, et cetera. We had already progressed. He did not object to the vote."

The SPEAKER pro tempore, Mr. DUNCAN, said:

"There was not business that intervened. The gentleman from Colorado,

Mr. MCINNIS, did not have the floor for debate since the pending voice vote was against consideration.

"The gentleman from Colorado, Mr. MCINNIS did not have the floor for debate. The gentleman from Colorado objected to the vote."

Mr. MCINNIS spoke and said:
"That is correct, Mr. Speaker. I had the floor. I was on my feet and had the floor."

The SPEAKER pro tempore, Mr. DUNCAN, said:

"The Chair will repeat, the gentleman from Colorado, Mr. MCINNIS, has objected to the vote on the ground that a quorum is not present."

Mr. NADLER spoke and said:
"Mr. Speaker, I appeal the ruling of the Chair."

The SPEAKER pro tempore, Mr. DUNCAN, said:

"The gentleman makes the point of order that a quorum is not present."

Mr. NADLER spoke and said:

"Mr. Speaker, I object on the ground that the RECORD will show, if the Clerk will read the RECORD, that the gentleman had gone on to another subject, had already started talking about something else, and did not, did not object on the ground that a quorum is not present until the Speaker asked him, do you not want to object that a quorum was not present?"

"The vote was already over and cannot be continued at this point. I make a point of order."

The SPEAKER pro tempore, Mr. DUNCAN, said:

"The gentleman from Colorado, Mr. MCINNIS, had not been recognized to debate the resolution since the House had not voted to consider the resolution, therefore, no intervening business had been transacted."

"Does the gentleman from New York, Mr. NADLER, insist on appealing the ruling of the Chair?"

Mr. NADLER spoke and said:
"Mr. Speaker, no, I do not."

The SPEAKER pro tempore, Mr. DUNCAN, said:

"The gentleman from New York, Mr. NADLER, has withdrawn his appeal of the ruling of the Chair.

"The gentleman from Colorado, Mr. MCINNIS, has objected to the vote. That objection was made on the grounds that a quorum was not present, and the gentleman has made a point of order that a quorum is not present.

"Evidently a quorum is not present. The Sergeant at Arms will notify absent members."

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 248
Nays 166

§55.11

[Roll No. 216]

YEAS—248

Aderholt	Baker	Barton
Archer	Ballenger	Bass
Armey	Barr	Bateman
Bachus	Barrett (NE)	Bereuter
Baesler	Bartlett	Bilbray